

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RODNEY SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:09-CV-1051-WKW
	)	
M & T BANK, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Upon consideration of Plaintiff and Defendants Chase Home Finance, LLC and M&T Bank, Inc.'s joint stipulation of dismissal with prejudice (Doc. # 38), which comports with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure,<sup>1</sup> Plaintiff's action against Chase Home Finance and M&T Bank has been dismissed by operation of Rule 41, on the terms agreed to and set out by the parties.

Upon consideration of Plaintiff's notice of dismissal (Doc. # 39) of Magnolia Financial, LLC, which comports with Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiff's action against Magnolia Financial, LLC has been dismissed by operation of Rule 41, on the terms agreed to and set out by the parties.

Further, it is ORDERED that:

- (1) The status conference scheduled for February 4, 2011 is CANCELED; and
- (2) The Clerk of the Court is DIRECTED to close this case.

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<sup>1</sup> Defendant Magnolia Finance, LLC has not made an appearance in this case.

DONE this 3rd day of February, 2011.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE